

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
RANDALL L. BLOHOWIAK, D.C.,	:	ADOPTING STIPULATION
RESPONDENT.	:	93 CHI 85

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Randall L. Blohowiak, D.C.
3332 Edinburgh Road
Green Bay, WI 54311

Chiropractic Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. That Randall L. Blohowiak, Respondent herein, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 446, Wis. Stats., to practice chiropractic in the State of Wisconsin.
2. That Randall L. Blohowiak holds a license to practice chiropractic, number 2757, granted December 5, 1991.
3. That the Respondent's date of birth is April 28, 1966 and current address is 3332 Edinburgh Road, Green Bay, WI 54311.
4. From June 8, 1992 through July 6, 1992, on 12 occasions, Respondent evaluated and treated Patient A, a 59 year old male with complaints of neck pain. On June 8, 1992, Respondent obtained a series of cervical spine x-rays, which indicated evidence of a compression fracture of the body of the C-4 segment and other pathological changes. Such condition proved to be secondary to advanced metastatic lung cancer.

5. On June 8, 1992 and thereafter, Respondent failed to recognize the evidence of compression fracture, displacement and pathological changes apparent in the June 8, 1992 cervical x-rays of Patient A.

6. Respondent continued to treat Patient A for neck pain when his condition was not treatable by chiropractic, and failed to advise Patient A that his condition was not treatable by chiropractic and that Patient A should consult a medical physician for evaluation and treatment.

7. Respondent, in consideration of this investigation and pursuant to the attached Stipulation, is willing to cooperate and abide by all requirements of the Chiropractic Examining Board for resolution of this matter.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stats. sec. 446.03, and Wis. Adm. Code Ch. Chir 1 and 6.

2. The Wisconsin Chiropractic Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).

3. Respondent's conduct described above violated sec. 446.03(5), Wis. Stats., and sec. Chir 6.02(1), (3) and (9), Wis. Adm. Code, and subjects Respondent to disciplinary under sec. 446.03, Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

That the STIPULATION of the parties, attached hereto, is ACCEPTED.

IT IS FURTHER ORDERED that Randall L. Blohowiak shall undertake and complete within 6 months from the date of this Order a minimum of 36 hours of continuing education in the area of X-Ray pathology.

1. Respondent shall notify the Board in writing of the proposed coursework for satisfaction of this requirement, which shall be subject to approval in advance by the Board.

2. Respondent's enrollment, attendance and completion of the continuing education ordered herein shall be verified and confirmed in writing to the Board directly by the sponsor of such continuing education program(s).

3. Respondent shall not receive credit for the continuing education credits ordered herein against the requirements for continuing education under Ch. Chir 5, Wis. Adm. Code.

4. Respondent shall be responsible for all costs and expenses of complying with this Order.

5. Failure to complete and report the continuing education as required herein shall result in automatic suspension of Respondent's license to

practice chiropractic until such requirements are fulfilled. The suspension shall take effect without further action by the Board on the 5th day following written notice to Respondent by the Department, by certified mail, of failure of the Department to have received written verification of completion of the continuing education as required herein. Respondent's license may be reinstated automatically without further order of the Board upon receipt by the Department of written verification of completion of the continuing education as required herein.

IT IS FURTHER ORDERED that Respondent shall pay to the Department costs of this investigation and proceeding pursuant to sec 440.22 Wis. Stats., in the amount of \$201.00, not later than 30 days following the date of this Order.

WISCONSIN CHIROPRACTIC EXAMINING BOARD

Date

By:

A Member of the Board

I, Randall L. Blohowiak, have read and understood all parts of this Order and attached Stipulation, and pursuant to the attached Stipulation, hereby consent to the entry of the foregoing Final Decision and Order by the Wisconsin Chiropractic Examining Board.

Date

Randall L. Blohowiak, Respondent

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
RANDALL L. BLOHOWIAK, D.C.,	:	93 CHI 85
RESPONDENT.	:	
	:	

It is hereby stipulated between Randall L. Blohowiak, D.C., personally and on his own behalf, and Robert T. Ganch, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of the license of the above named Respondent to practice chiropractic in the State of Wisconsin, investigative file #93 CHI 85. The Respondent consents to the resolution of this investigation by this Stipulation and without the issuance of a formal complaint.

2. The Respondent understands that by the signing of the Stipulation, the following rights are voluntarily and knowingly waived, including: the right to a hearing on the allegations against the Respondent, at which the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against the Respondent; the right to call witnesses on behalf of the Respondent and to compel their attendance by subpoena; the right of the Respondent to testify, the right to file objections to any proposed Decisions and to present briefs or oral arguments to the officials who are to render the Final Decision; the right to petition for rehearing; and all other applicable rights afforded under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. The Respondent admits the facts and conduct described in the attached Findings of Fact and agrees to the adoption, entry and issuance of the attached Findings of Fact, Conclusions of Law and Order Adopting Stipulation by the Chiropractic Examining Board.

4. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of the Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings.

5. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order Adopting Stipulation without further notice, pleading, appearance or consent of the parties.

6. This Stipulation and the attached Final Decision and Order shall not prejudice the Chiropractic Examining Board from taking any further action regarding any conduct of the Respondent not stated in the attached Final Decision and Order.

7. The Division of Enforcement joins the Respondent in recommending the Chiropractic Examining Board adopt this Stipulation and issue the attached Final Decision and Order Adopting Stipulation. All parties agree that the attorney for the Department of Regulation and Licensing, Division of Enforcement and the Board Advisor to this case may appear before the Chiropractic Examining Board in support of this Stipulation and attached Final Decision and Order. All parties further agree that the attorney for the Division of Enforcement and the Board Advisor for this case may respond to questions of the Chiropractic Examining Board during its deliberation in closed session.

2-5-94
Date

Randall L. Blohowiak P.C.
Randall L. Blohowiak, D.C.
Respondent

February 9, 1994
Date

Robert T. Ganch
Robert T. Ganch, Attorney
Division of Enforcement

2/10/94
Date

Wisconsin Chiropractic Examining Board

Meredith Bakke, D.C./CP
A member of the Board

RTG
ATY2/4997
12/2/93

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN CHIROPRACTIC EXAMINING BOARD

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

FEBRUARY 14, 1994.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)